

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16 CV 269**

**E.E. by and through his Next Friend
Molly Espey,**

Plaintiff

v

**EAGLES NEST FOUNDATION, d/b/a
EAGLE'S NEST CAMP, THE OUTDOOR
ACADEMY,**

Defendant.

ORDER

THIS MATTER has come before the undersigned pursuant to a Certification and Report of F.R.C.P.26(f) Conference and Discovery Plan (#40). The Court has reviewed the Certification and the pleadings in this matter and has determined that a hearing is necessary in regard to the discovery plan and in regard to additional issues which are causing concern to the Court. The additional issues are:

(1) Whether or not the Plaintiff can proceed without the appointment of a general guardian or a guardian ad litem as required by Rule 17 of the Federal Rules of Civil Procedure, and particularly Rule 17(a), (b) and (c);

(2) To determine the legal status of Defendant. That is, whether or not the Defendant is a corporation and, if so, by what law or state under which it is

organized; and

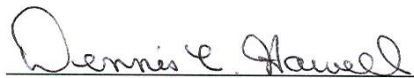
(3) To discuss the Certification filed in this matter.

The undersigned will schedule a hearing concerning these matters for Friday, October 14, 2016. Parties counsel are required to appear and be prepared to discuss the issues presented in this Order.

ORDER

IT IS, THEREFORE, ORDERED that a hearing be scheduled concerning the issues set forth above for **Friday, October 14, 2016 at 2:00 p.m.** in Courtroom #2 of the United States Courthouse in Asheville, North Carolina.

Signed: September 27, 2016

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Dennis L. Howell
United States Magistrate Judge

